

MORRISON & FOERSTER LLP

Attorneys at Law

3811 Valley Centre Drive, Suite 500

San Diego, California 92130-2332

Telephone: (858) 720-5100

Facsimile: (858) 720-5125

RECEIVED

- 9 NOV 2004

Legal Staff
International Division

To: U.S. Patent and Trademark Office
MS PETITIONS

Facsimile: (571) 273-0459

From: Kate H. Murashige

Date: November 9, 2004

We are transmitting a total of 24 pages (including this page).
Original or hard copy to follow if this box is checked ☐.

If you do not receive all pages, please call (858) 720-7970 as soon as possible.

Preparer of this slip has confirmed that facsimile number given is correct: MLC3/9184

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (858) 720-7970 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

Comments:

Attorney Docket: 577802000100
Group Art Unit: 1644
Examiner: F. Pierre VanderVegt, Ph.D.
Serial No.: 09/308,150
Filing Date: November 14, 1997
Inventor(s): Waltherus Jacobus W. van VENROOIJ et al.
Title: PEPTIDES IMMUNOREACTIVE WITH AUTOANTIBODIES FROM PATIENTS WITH RHEUMATOID ARTHRITIS (as amended)

Papers attached:

1. Transmittal (PTO SB/21) (1 page)
2. Fee Transmittal (PTO SB/17) 1 page + duplicate for fee processing
3. Petition Under 37 C.F.R. § 1.181 with Exhibits 1 and 2 (20 pages)

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
MARIAN CHRISTOPHER AT (858) 720-7970 AS SOON AS POSSIBLE.

SD-230018

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/308,150
		Filing Date	November 14, 1997
		First Named Inventor	Waltherus J. W. VAN VENROOIJ
		Art Unit	1644
		Examiner Name	F. Vander Vegt
Total Number of Pages in This Submission	24	Attorney Docket Number	577802000100

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (1 page + duplicate for fee processing) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition Under 37 C.F.R. § 1.181 with Exhibits 1 and 2 (20 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax cover sheet to USPTO (1 page)
Remarks Customer No. 25225		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Kate H. Murashige - 29,959
Signature	<i>Kate H. Murashige</i>
Date	November 9, 2004

I hereby certify that this correspondence is being transmitted via facsimile to MS Petitions at the U.S. Patent and Trademark Office to fax no. (571) 273-0459 on the date shown below.

Dated: November 9, 2004

Signature: *Marian Christopher* (Marian Christopher)

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number 09/308,150
Filing Date November 14, 1997
First Named Inventor Waltherus J.W. VAN VENROOIJ
Examiner Name F. Vander Vegt
Art Unit 1644
Attorney Docket No. 577802000100

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-24** =	Extra Claims	Fee from below	Fee Paid
24				0.00
Independent Claims	-5** =	Extra Claims	Fee from below	Fee Paid
5				0.00
Multiple Dependent		Extra Claims	Fee from below	Fee Paid

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte examination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(d)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment or property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(e))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Name (Print/Type) Kate H. Murashige

Registration No. (Attorney/Agent)

29,959

(Complete if applicable)

Telephone (858) 710-5112

Signature

Kate H. Murashige

Date

November 9, 2004

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	09/308,150
Filing Date	November 14, 1907
First Named Inventor	Waltherus J.W. VAN VENROOIJ
Examiner Name	F. Vander Vegt
Art Unit	1644
Attorney Docket No.	577802000100

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number

03-1952

Deposit
Account
Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
24	-24** =		0.00
5	-5** =		0.00

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Duplicate Copy
For Fee Processing

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or release)	
1502	490	2502	245	Design issue fee	
1503	680	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(c)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment for property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Name (Print/Type) Kate H. Murashige

Registration No.
(Attorney/Agent)

29,959

(Complete if applicable)

Telephone (858) 723-5112

Signature

Kate H. Murashige

Date

November 9, 2004

Duplicate Copy
For Fee Processing

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, MS Petitions, facsimile no. (571) 273-0459, on the date shown below.

Dated: November 9, 2004

Signature:


(Marian Christopher)

Docket No : 577802000100
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Waltherus Jacobus W. van VENROOIJ et al.

Application No.: 09/308,150

Filed: November 14, 1997

For: PEPTIDES IMMUNOREACTIVE WITH
AUTOANTIBODIES FROM PATIENTS WITH
RHEUMATOID ARTHRITIS (as amended)

Art Unit: 1644

Examiner: F. Pierre VanderVegt, Ph. D.

PETITION UNDER 37 C.F.R. § 1.181

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that any holding of abandonment in the present application be withdrawn. Apparently, the Petitions Office did not receive the Renewed Petition under 37 C.F.R. § 1.47(a) which was mailed to the USPTO by Express Mail with a certificate of mailing on 24 March 2004. A copy of this submission, along with the return postcard indicating receipt on 24 March 2004 is enclosed in Exhibit 2.

The factual background is as follows:

On 24 September 2003, a Decision on Petition under 37 C.F.R. § 1.47(a) was mailed to the attorneys then representing the applicants. In this decision (copy enclosed as Exhibit 1), a previous

sd-229966

Petition under 37 C.F.R. § 1.47(a) was dismissed as moot, but a declaration in compliance with 37 C.F.R. § 1.1497(a)(b) was required to be filed within two months from the date of the decision. The declaration that had been signed by a previously non-signing inventor was said not to satisfy the national stage entry requirements because the 18 U.S.C. § 1001 statement was partially obscured and the declaration contained untranslated notations in a foreign language.* Although the defective petition had been signed by the heretofore non-signing inventor, Gerardus Antonius Schellekens, Mr. Schellekens refused to sign a clean copy of this declaration.

On 24 March 2004, applicants' attorney mailed to the USPTO by Express Mail a Petition for Extension of Time of four (4) months along with a Renewed Petition under 37 C.F.R. § 1.47(a). A copy of the papers sent to the USPTO, along with the Express Mail label and the post card indicating receipt by the USPTO is enclosed as Exhibit 2. The petition fee of \$130.00 was also sent. Exhibit 2 also includes photocopies of a check for \$130.00 petition fee plus \$740.00 for an extension of time.

In a very helpful telephone conversation with the undersigned on 9 November 2004, Attorney Advisor Erin M. Pender of PCT Legal Administration indicated that the papers contained in Exhibit 2, other than the Petition for Extension of Time, had not been received by her, and advised the undersigned to fax the herein petition along with its exhibits in order to secure withdrawal of any holding of abandonment.

In the meantime, however, applicants have received a Notice of Allowance mailed 5 October 2004 and the Issue Fee is due 5 January 2004.

* These defects were due to "sign here" tabs that were not removed on photocopying and an indication of where dates were to be inserted.

Applicants respectfully request that the Renewed Petition be granted and a Notice of Acceptance issued.

If any additional fees are due, these may be withdrawn from Deposit Account No. 03-1952 referencing docket No. 577802000100.

Should any additional information or documentation be required, a telephone call to the undersigned would be greatly appreciated.

Respectfully submitted,

Dated: November 9, 2004

By: Kate H. Murashige
Kate H. Murashige
Registration No. 29,959

Morrison & Foerster LLP
3811 Valley Centre Drive,
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5112
Facsimile: (858) 720-5125